
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Highline Community College)	File No.: EB-FIELDWR-14-00013318
)	
Licensee of Station WNQA347)	NOV No.: V201432980006
)	
Seattle, Washington)	

NOTICE OF VIOLATION

Released: February 6, 2014

By the Acting District Director, Seattle Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Highline Community College, licensee of radio station WNQA347 in Seattle, Washington. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On December 11, 2013, an agent of the Enforcement Bureau's Seattle Office monitored radio station WNQA347, located in Des Moines, Washington, and observed the following violations:

- a. 47 C.F.R. § 90.425(a): "Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmissions of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation." At the time of the on-scene investigation on December 11, 2013, the station WNQA347 signal was monitored for over one hour and did not transmit its station ID at any time.
- b. 47 C.F.R. § 90.403(c): "...each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum." At the time of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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investigation, the WNQA347 signal was monitored for over one hour and was transmitting almost continuously without any breaks.

- c. 47 C.F.R. § 90.403(g): “The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization and until such deviation is corrected...” At the time of the investigation, the WNQA347 signal was monitored for over one hour and was transmitting almost continuously. Further investigation by the agent found that the transmitter appeared to be locked in transmit mode and informed the licensee of the apparent malfunction.
- d. 47 C.F.R. § 1.903(a): “...Stations in the Wireless Radio services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part...” Highline Community College, licensee of WNQA347, filed the geographical location of its antenna system with the Federal Communications Commission with GPS location coordinates that are approximately 4.5 miles distant from the antenna’s actual physical location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Highline Community College must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Highline Community College to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Highline Community College with personal knowledge of the representations provided in Highline Community College’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Seattle Office
11410 NE 122nd Way, Suite 312
Kirkland, Washington 98034

6. This Notice shall be sent to Highline Community College at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Leo Cirbo
Acting District Director
Seattle Office
Western Region
Enforcement Bureau

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).